Categorization of cross border terrorism

3483. SHRI TARIQ ANWAR:
DR.T. SUBBARAMI REDDY:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Chief Justice of India has expressed serious concern over cross border terrorism and suggested that such attacks should be treated as an offence recognized under the International Criminal Law as 'Crime Against Humanity' and tried before a supra-national body such as the International Criminal Court;

(b) if so, whether his suggestions have been seriously considered by Government; and

(c) if so, by when they are likely to be implemented?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (c) The information is being collected and the same will be laid on the Table of the House.

Undertrials in jails

3484. SHRI R.C. SINGH:
SHRI D. RAJA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that hundreds of undertrials are incarcerating in various jails for the periods exceeding the term of their probable sentence;

(b) if so, the number of such undertrials in various jails;

(c) whether it is also a fact that various pronouncements of High Courts and the Supreme Court on this issue have not been found effective in reducing the number of undertrials in jails; and

(d) if so, the details thereof and the reasons for the failure in the matter and what new measures are proposed to be taken to reduce the number of undertrials in various jails in the country?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (d) Information on the time spent by under-trial prisoners,while their cases are under the process of adjudication in the courts, as against the period of their respective probable sentences is not maintained centrally. However, as per the information available, 2,50,727 under-trial prisoners were under detention at the end of 2007. Out of these, 1,03,624, i.e. 41.3% of the total number of under-trial prisoners in jails were under detention for a period up to three months.

Conducting trial expeditiously to render justice to the under-trials is a matter within the domain of the judiciary and the facilitation of such trials is primarily the responsibility of the State Governments. Central Government has taken the following steps for facilitating delivery of justice to the under-trials and also to provide that under-trials do not spend long periods in jail:

(i) A new section viz 436A has been inserted in the Code of Criminal Procedure, 1973 to provide that where an under-trial prisoner other than the one accused of an offence for which death